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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

ALLYSON SEXTON, general
administratrix and administratrix ad
prosequendum of the Estate of BRETT
J. SEXTON, and ALLYSON SEXTON,
individually,

Plaintiffs,

vs.

ANTHONY J. RIZZETTA, D.O.; JOEL S.
STEINBERG, M.D.; LEAH LOMBARDO,
R.N.; JESSICA PARSONS, NURSING
ASSISTANT/NURSE AIDE; KRISTINA
RATTI, R.N.; SHEILA PHILLIPS, R.N.;
PATRICIA ZAFFIRI, R.N.; KEITH
NEILSON; SHANE SHAW; KURT
YOUNG; CAPE REGIONAL MEDICAL
CENTER, INC.; JOHN DOE #1-15
(fictitious); JANE ROE #1-15
(fictitious); and JOHN DOE
EMPLOYERS #1-5 (fictitious),
individually, jointly, severally, and/or
in the alternative,

Defendants.

DOCKET NO. 1:15-cv-03181-RBK-AMD

CIVIL ACTION

ANSWER TO SECOND AMENDED
COMPLAINT, SEPARATE DEFENSES,
CROSSCLAIM, DEMAND FOR
STATEMENT OF DAMAGES, DEMAND
FOR TRIAL BY JURY, DESIGNATION
OF TRIAL COUNSEL AND
CERTIFICATIONS

DOCUMENT ELECTRONICALLY FILED

Defendant, **JOEL S. STEINBERG, M.D.**, a physician board certified in Wound Care
who was practicing as a hospitalist during the care and treatment rendered to plaintiff, by
way of Answer to the Second Amended Complaint, says:

ANSWER TO JURISDICTION

1-3. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in these paragraphs of the Second Amended Complaint and leaves plaintiffs to their proofs.

4. Defendant admits that he practices as a licensed physician in the State of New Jersey.

5-13. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in these paragraphs of the Second Amended Complaint and leaves plaintiffs to their proofs.

14. This paragraph asserts a contention of law and, as such, defendant makes no response thereto. To the extent that plaintiffs are asserting allegations of fact, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO VENUE

This paragraph asserts a contention of law and, as such, defendant makes no response thereto. To the extent that plaintiffs are asserting allegations of fact, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO FACTS COMMON TO ALL COUNTS OF THE COMPLAINT

1-7. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in these paragraphs of the Second Amended

Complaint and leaves plaintiffs to their proofs.

8-14. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

15. This paragraph asserts a contention of law and, as such, defendant makes no response thereto. To the extent that plaintiffs are asserting allegations of fact, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO FIRST COUNT

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2. Insofar as the allegations contained in this paragraph of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in this paragraph of the Second Amended Complaint pertain to this defendant, same are denied.

3. This paragraph asserts a contention of law and, as such, defendant makes no response thereto. To the extent that plaintiffs are asserting allegations of fact, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO SECOND COUNT

Defendant repeats the answers to the allegations of the prior Count of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO THIRD COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended

Complaint herein, together with legal fees and costs of suit.

ANSWER TO FOURTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO FIFTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO SIXTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO SEVENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint

pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO EIGHTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO NINTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar

as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO TENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO ELEVENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second

Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO TWELFTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2. This paragraph asserts a contention of law and, as such, defendant makes no response thereto. To the extent that plaintiffs are asserting allegations of fact, same are denied.

3-5. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO THIRTEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO FOURTEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2-3. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO FIFTEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second

Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2. Insofar as the allegations contained in this paragraph of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in this paragraph of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO SIXTEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2. Insofar as the allegations contained in this paragraph of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in this paragraph of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO SEVENTEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph of the Second Amended Complaint and leaves plaintiffs to their proofs.

2. Insofar as the allegations contained in this paragraph of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in this paragraph of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO EIGHTEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second Amended Complaint and makes them a part hereof as though set forth at length herein.

1-2. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint do not pertain to this defendant, he makes no answer thereto. Insofar as the allegations contained in these paragraphs of the Second Amended Complaint pertain to this defendant, same are denied.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

ANSWER TO NINETEENTH COUNT

Defendant repeats the answers to the allegations of the prior Counts of the Second

Amended Complaint and makes them a part hereof as though set forth at length herein.

WHEREFORE, defendant demands Judgment dismissing the Second Amended Complaint herein, together with legal fees and costs of suit.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Second Amended Complaint fails to state a claim upon which relief may be granted, and defendant reserves the right to move at or before the time of trial to dismiss same pursuant to F.R.C.P. 8(a).

SECOND SEPARATE DEFENSE

Plaintiffs failed to join necessary and indispensable parties including the United States of America and, therefore, the Court must dismiss this action pursuant to F.R.C.P. 12(b)(7) and F.R.C.P. 19 by virtue of the failure of plaintiffs to join these indispensable parties.

THIRD SEPARATE DEFENSE

There is a lack of in personam jurisdiction over defendant because sufficient minimum contacts among this state, this action, and these parties do not exist. The exercise of such jurisdiction over defendants is, therefore, in violation of defendant's rights under the Constitutions of the State of New Jersey and the United States of America, and defendant reserves the right to move for dismissal of the pleading.

FOURTH SEPARATE DEFENSE

There is a lack of in personam jurisdiction over defendant because there is insufficiency of process and insufficiency of service of process. The exercise of such jurisdiction over defendant is, therefore, in violation of defendant's rights under the

Constitutions of the State of New Jersey and the United States of America, and defendant reserves the right to move for dismissal of the pleading.

FIFTH SEPARATE DEFENSE

The court lacks jurisdiction over the subject matter of this action, and defendant reserves the right to move for dismissal of the pleading. The applicable law, rule, statute or regulation, including, but not limited to the Statute of Limitations, controlling or requiring the institution of suit within a certain period of time following its accrual, was not complied with by plaintiffs and, accordingly, plaintiffs' claim is barred as a matter of law.

SIXTH SEPARATE DEFENSE

The court lacks jurisdiction to over this action as 28 U.S.C. §1346(b), 2671-80 of the Federal Torts Claims Act, provides that a suit against the United States shall be the exclusive remedy for persons with claims for damages resulting from negligent or wrongful acts or omissions of federal employees taken within the scope of their office or employment.

SEVENTH SEPARATE DEFENSE

The Second Amended Complaint fails to state a claim upon which relief may be granted, and defendant reserves the right to move at or before the time of trial to dismiss same.

EIGHTH SEPARATE DEFENSE

The Second Amended Complaint fails to join a necessary or indispensable party without whom this action cannot proceed.

NINTH SEPARATE DEFENSE

Plaintiffs failed to exhaust administrative remedies before bringing suit, and

defendant reserves the right to move at or before trial to dismiss the Second Amended Complaint for same, pursuant to 28 U.S.C. § 2675(a).

TENTH SEPARATE DEFENSE

The Second Amended Complaint fails to set forth a cause of action upon which relief may be granted pursuant to N.J.S.A. 2A:58C-1 et seq. and F.R.C.P. 12(b)(6).

ELEVENTH SEPARATE DEFENSE

Plaintiffs have failed to issue process within the time required by law, and defendant is entitled to a dismissal of the action.

TWELFTH SEPARATE DEFENSE

The Second Amended Complaint fails to state a claim upon which relief can be granted, the court lacks jurisdiction over the subject matter of this action, and plaintiffs are barred from recovery as a matter of law because the alleged claim was not made and perfected in the manner and within the time provided and required by the law, statute, regulation or contract upon which it is predicated.

THIRTEENTH SEPARATE DEFENSE

The applicable law, rule, statute or regulation, including, but not limited to the Statute of Limitations, controlling or requiring the institution of suit within a certain period of time following its accrual, was not complied with by plaintiffs and, accordingly, plaintiffs' claim is barred as a matter of law.

FOURTEENTH SEPARATE DEFENSE

The basis of plaintiffs' cause of action is against the public policy of this State and the claim for punitive damages is barred as a matter of law.

FIFTEENTH SEPARATE DEFENSE

Plaintiffs' claims are barred or limited by the law of contributory negligence as a result of plaintiffs' failure to exercise due and proper care under the existing circumstances and conditions.

SIXTEENTH SEPARATE DEFENSE

Any and all injuries and damages sustained by plaintiffs were the result of a third party over whom this defendant had no control.

SEVENTEENTH SEPARATE DEFENSE

Plaintiffs assumed the risk and were fully cognizant of any and all circumstances surrounding the alleged incident.

EIGHTEENTH SEPARATE DEFENSE

Plaintiffs' damages are barred or, at the very least, to be reduced, by virtue of the doctrine of comparative negligence and the Comparative Negligence Act, N.J.S.A. 2A:15-5 et seq.

NINETEENTH SEPARATE DEFENSE

Defendant claims credit for all collateral sources from which plaintiffs have or shall receive benefits pursuant to N.J.S.A. 2A:15-97.

TWENTIETH SEPARATE DEFENSE

The incident which forms the basis of this litigation and which allegedly caused injuries and damages to plaintiffs was proximately caused or contributed to by the fault of third persons not parties to this litigation. The responsibility of the defendant filing this answer and the right of plaintiffs to recover in this litigation can only be determined after the percentages of responsibility of all parties to the incident are determined whether or not

they are parties to this litigation. Accordingly, defendant requests an adjudication of the percentage of fault of plaintiffs and each and every other person whose fault contributed to the incident.

TWENTY-FIRST SEPARATE DEFENSE

The damages of plaintiffs are limited by the doctrine of avoidable consequences.

TWENTY-SECOND SEPARATE DEFENSE

The damages alleged were the result of unforeseeable intervening acts of an agency independent of this party which bars claimants' cause of action.

TWENTY-THIRD SEPARATE DEFENSE

The occurrence complained of was neither intended, foreseeable nor preventable by the exercise of reasonable care.

TWENTY-FOURTH SEPARATE DEFENSE

Defendant asserts that any and all actions were made in accordance with accepted medical standards.

TWENTY-FIFTH SEPARATE DEFENSE

Defendant asserts that there was no deviation from accepted medical standards.

TWENTY-SIXTH SEPARATE DEFENSE

Defendant did not breach any contractual obligation or warranties expressed, implied or arising by operation of law.

TWENTY-SEVENTH SEPARATE DEFENSE

Although defendant denies the allegations of plaintiffs as to injuries and damages alleged, these injuries and damages, if any, were caused by the intervening acts or superseding negligence of persons, parties or corporate entities over whom defendant had

no control.

TWENTY-EIGHTH SEPARATE DEFENSE

Defendant asserts any and all relief available pursuant to N.J.S.A. 2A:53A-37, et seq.

TWENTY-NINTH SEPARATE DEFENSE

Defendant reserves the right to amend his answer and to assert additional defenses and/or supplement, alter or change this answer upon the revelation of more definite facts during and/or upon the completion of further discovery and investigation.

CROSSCLAIM

Defendant, **JOEL S. STEINBERG, M.D.**, by way of crossclaim against any and all co-defendants, including fictitious defendants, third-party defendants and defendants added as parties at a later date, says:

While denying that he is in any way obligated or liable under the claims for relief asserted against him, defendant, **JOEL S. STEINBERG, M.D.**, alleges that:

- a. Any obligation imposed upon him to respond in damages could only be as a result of operation of law based upon liability, technical, imputed or implied, whereas the actual fault or negligence was on the part of the party or parties against whom this claim is asserted.
- b. Any obligation of defendant to respond in damages is based upon an alleged breach of contract, whereas the causative act or failure to act was that of the party or parties against whom this claim is asserted.
- c. The party or parties against whom this claim is asserted are obligated under the terms and provisions of the New Jersey Tortfeasors Contribution Act

(N.J.S.A. 2A:53A et seq), the Comparative Negligence Act (N.J.S.A. 2A:15-5.1 et seq, and/or The New Jersey Tort Claims Act (N.J.S.A. 59:1 et seq), for their *pro rata* share of any judgment.

- d. Defendant is entitled to a determination of the percentage shares of responsibility of all tortfeasors, whose fault contributed to the claimed injuries and property damage, as the obligation, if any, of defendant to respond in damages should not exceed his percentage share.
- e. Arising out of the relationship between the parties is a contractual obligation entitling defendant indemnification from the party or parties against whom this claim is asserted.
- f. In addition to the foregoing, defendant is entitled to common law and contractual indemnification.

WHEREFORE, defendant, **JOEL S. STEINBERG, M.D.**, demands judgment or restitution, indemnity, contribution or apportionment of responsibility from the party or parties against whom this claim is asserted.

ANSWER TO ALL CROSSCLAIMS

Defendant denies all crossclaims asserted against him in this action.

DEMAND FOR ALLOCATION AND CREDIT

Pursuant to R. 4:7-5, defendant demands an allocation of liability for all defendants, including all settling defendants, as well as a credit for the responsibility of all settling defendants.

DEMAND FOR STATEMENT OF DAMAGES

PLEASE TAKE NOTICE, the party filing this Answer requires that you, within five

days, furnish a statement of damages claimed.

DEMAND FOR TRIAL BY JURY

PLEASE TAKE NOTICE, that defendant demands a trial of the issues by a jury of six persons.

AFFIDAVIT OF MERIT

PLEASE TAKE NOTICE, that pursuant to N.J.S.A. 2A:53A-26 et seq, the party filing this Answer requires that plaintiffs, within sixty days, furnish an Affidavit of Merit.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that **James M. Ronan, Jr., Esq.**, is hereby designated trial counsel for defendant, **JOEL S. STEINBERG, M.D.**

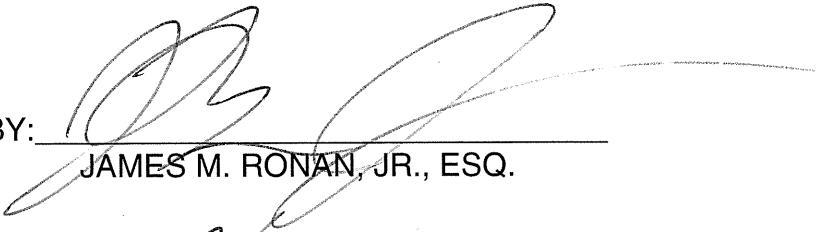
CERTIFICATION

I hereby certify that a copy of the within document has been filed with the Clerk of the captioned Court and that a copy of same was served upon all interested attorneys, within the time allowed by the Rules of Court.

CERTIFICATION

1. The matter in controversy is the subject of a pending action or arbitration as follows: NONE KNOWN
2. Contemplation of another action or arbitration proceeding is contemplated as follows: NONE KNOWN
3. The following parties listed should be joined in this action: NONE KNOWN
4. I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

RONAN, TUZZIO & GIANNONE
Attorneys for Defendant,
JOEL S. STEINBERG, M.D.

BY: 

JAMES M. RONAN, JR., ESQ.

Dated: September 9, 2015

BY: 

JOHN M. HOCKIN, JR., ESQ.

Dated: September 9, 2015